

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **CV 11-03194 DMG (AGR<sub>x</sub>)** Date **May 12, 2011**

Title ***Minerva Whitney, et al. v. Novartis Pharmaceuticals Corporation*** Page **1 of 2**

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

**VALENCIA VALLERY**

Deputy Clerk

**NOT REPORTED**

Court Reporter

Attorneys Present for Plaintiff(s)  
None Present

Attorneys Present for Defendant(s)  
None Present

**Proceedings: IN CHAMBERS—ORDER TO SHOW CAUSE WHY THIS ACTION  
SHOULD NOT BE TRANSFERRED TO THE NORTHERN DISTRICT OF  
CALIFORNIA**

Before the Court is a complaint filed by Plaintiffs Minerva and Harold Whitney. The complaint raises claims for strict liability, negligent manufacturing, failure to warn, breach of warranty, and loss of consortium, arising out of Defendant Novartis' production and marketing of drugs that allegedly cause osteonecrosis of the jaw. Based on the allegations of the complaint, Plaintiffs reside in San Leandro, California, and Defendant is a Delaware corporation with principal offices located in New Jersey.

The parties are hereby **ORDERED TO SHOW CAUSE** why this action should not be transferred to the United States District Court for the Northern District of California for the convenience of the parties and witnesses, and in the interest of justice. *See* 28 U.S.C. §§ 124(a), 1404(a). All factual matters relied upon in the parties' submissions must be supported by appropriate declarations and admissible evidence. To assist the Court in determining whether transfer is appropriate and in the interest of justice, the parties are directed to address the following, in addition to sharing their beliefs as to which forum is more convenient for the parties and witnesses:

- (1) Whether this action could have been brought in the Northern District of California;
- (2) Whether venue is appropriate in the Northern District of California;
- (3) What contacts, if any, each of the parties has to the Central District of California and to the Northern District of California. The parties should include information regarding the location of their administrative offices, real property, sources of revenue, and points of public contact;

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- (4) What connection Plaintiffs' causes of action have to the Central District of California and to the Northern District of California;
- (5) Which witnesses are expected to be called and where they reside;
- (6) The availability of compulsory process to compel attendance of unwilling non-party witnesses in the Central District of California as compared to the Northern District of California;
- (7) The ease of access to sources of proof in each of the two forums;
- (8) The expected difference in the cost of litigation in the Central District of California as compared to the Northern District of California; and
- (9) Whether there are any alternative forums, other than the Central District of California or the Northern District of California, that would be more convenient for this action and why, keeping in mind the inquiries above.

Plaintiffs shall file a response to this Order, in writing not to exceed 15 pages, no later than **May 27, 2011**. Plaintiffs are ordered to personally serve a copy of this Order on any defendant that has already been served with the Complaint within three (3) court days of the date of this Order or at the time of service for any defendant that has not already been served. Failure to timely respond to this Order may result in the dismissal of this action without prejudice.

**IT IS SO ORDERED.**